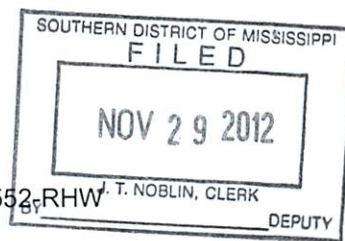


UNITED STATES DISTRICT COURT

for the
Southern District of Mississippi

United States of America
v.
Diego Barba-Ortiz and Samuel Elias Carlos

Case No. 1:12-mj-552-RHW



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 28, 2012 in the county of Harrison in the
Southern District of MS, Southern Division, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 846

Conspiracy to Possess with Intent to Distribute a Controlled Substance, more than 500 grams of methamphetamine.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Brent Arthur, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: November 29, 2012

Judge's signature

City and state: Gulfport, MS

Michael T. Parker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Brent Arthur, being first duly sworn, state as follows:

Introduction

I am a Special Agent (SA) with the United States Department of Justice, Drug Enforcement Administration (DEA). I have been employed with the DEA since January 2010. I am currently assigned to the Gulfport Resident Office located in Gulfport, MS. During the course of my employment, I have participated in numerous investigations of illegal narcotics trafficking and violations of Title 21 United States Code.

Probable Cause Factual Basis

On November 27, 2012, agents of the DEA Gulfport Resident Office received information from a reliable Confidential Source, hereafter referred to as CS, that a subject known only as "Compadre" was flying into the Gulfport/Biloxi International Airport at approximately 4:50 p.m. for the purposes of coordinating the delivery of crystal methamphetamine.

On November 28, 2012, agents established surveillance in and around the Beau Rivage Casino on Highway 90 and determined that a Hispanic male, later identified as Diego BARBA-ORTIZ, met the CS to discuss final details of the exchange of U.S. Currency for crystal methamphetamine, to take place shortly thereafter. After the meeting, BARBA-ORTIZ went across the street to the Best Western Plus.

A short time later, the CS arrived at the Best Western Plus and pulled under the awning at the front desk. Agents then observed BARBA-ORTIZ walk into the lobby. A short time later, agents then observed a second Hispanic male subject, later identified as Samuel Elias CARLOS, walking with a back pack from the back of Best Western. Agents observed CARLOS place the back pack into the trunk of the CS's vehicle. Agents then executed a coordinated arrest of BARBA-ORTIZ and CARLOS. Agents located the back pack in the trunk of the vehicle and discovered 17.4 pounds of crystal methamphetamine contained inside the back pack. Agents conducted a field test of the methamphetamine, which yielded positive results for methamphetamine.

CONCLUSION

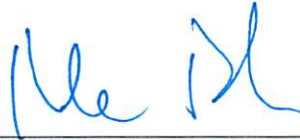
Based upon my experience as a DEA Special Agent and the facts listed above involving Diego BARBA-ORTIZ and Samuel Elias CARLOS, it is my opinion that there is

probable cause to believe that Diego BARBA-ORTIZ and Samuel Elias CARLOS committed violations of 21 U.S.C. Section 846, conspiracy to possess with intent to distribute more than 500 grams of methamphetamine in the Southern District of Mississippi.



Brent Arthur
Special Agent
Drug Enforcement Administration

Sworn and subscribed to me this 29 day of November, 2012.



UNITED STATES MAGISTRATE JUDGE